

109TH CONGRESS
1ST SESSION

H. R. 1604

To amend title 10, United States Code, to provide for the inclusion of hazardous duty pay and diving pay in the computation of military retired pay for members of the Armed Forces with extensive hazardous duty experience, to require a Comptroller General study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a report by the Secretary of Defense on the expansion of the Junior ROTC and similar military programs for young people.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2005

Ms. GRANGER introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the inclusion of hazardous duty pay and diving pay in the computation of military retired pay for members of the Armed Forces with extensive hazardous duty experience, to require a Comptroller General study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a report by the Secretary of Defense on the expansion of the Junior ROTC and similar military programs for young people.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INCLUSION OF HAZARDOUS DUTY PAY AND**
 4 **DIVING PAY IN COMPUTATION OF MILITARY**
 5 **RETIRED PAY FOR MEMBERS OF THE ARMED**
 6 **FORCES WITH EXTENSIVE HAZARDOUS DUTY**
 7 **EXPERIENCE.**

8 (a) IN GENERAL.—Chapter 71 of title 10, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new section:

11 **“§ 1415. Members with extensive hazardous duty ex-**
 12 **perience: increase in retired pay**

13 “(a) INCREASE IN RETIRED PAY FOR QUALIFYING
 14 MEMBERS.—The retired pay of a member who performs
 15 qualifying hazardous duty and who retires on or after the
 16 date of the enactment of this section shall be increased
 17 by the amount determined under subsection (b).

18 “(b) COMPUTATION OF INCREASE.—The amount of
 19 an increase in retired pay under this section shall be the
 20 sum of the following:

21 “(1) HAZARDOUS DUTY SPECIAL PAY.—If the
 22 member received special pay under section 301 of
 23 title 37, the amount equal to the product of—

24 “(A) the monthly amount of special pay
 25 under that section as in effect for the final

1 month for which the member received that spe-
2 cial pay; and

3 “(B) the fraction in which the numerator
4 is the number of months for which the member
5 received such special pay and the denominator
6 is the total number of months for which the
7 member received basic pay.

8 “(2) DIVING DUTY SPECIAL PAY.—If the mem-
9 ber received special pay under section 304 of title
10 37, the amount equal to the product of—

11 “(A) the monthly amount of special pay
12 under that section as in effect for the final
13 months for which the member received that spe-
14 cial pay; and

15 “(B) the fraction in which the numerator
16 is the number of months for which the member
17 received such special pay and the denominator
18 is the total number of months for which the
19 member received basic pay.

20 “(c) QUALIFYING MEMBERS.—A member shall be
21 considered to have performed qualifying hazardous duty
22 for purposes of this section if the member received special
23 pay under section 301 of title 37 (relating to special pay
24 for hazardous duty) or section 304 of title 37 (relating

1 to special pay for diving duty), or both, for not less than
 2 60 months (whether or not consecutive).

3 “(d) TREATMENT UNDER OTHER PROVISIONS RE-
 4 LATING TO RETIRED PAY.—An amount by which retired
 5 pay is increased under this section shall not be considered
 6 to be retired pay for purposes of section 1408 of this title
 7 or for purposes of the Survivor Benefit Plan under sub-
 8 chapter II of chapter 73 of this title.

9 “(e) RETAINER PAY.—In this section, the term ‘re-
 10 tired pay’ includes retainer pay payable under section
 11 6330 of this title.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of such chapter is amended by adding
 14 at the end the following new item:

“1415. Members with extensive hazardous duty experience: increase in retired
 pay.”.

15 **SEC. 2. COMPTROLLER GENERAL STUDY OF TAX CREDITS**
 16 **AND SMALL BUSINESS LOAN CHANGES TO AS-**
 17 **SIST BUSINESSES THAT EMPLOY GUARD AND**
 18 **RESERVE MEMBERS.**

19 (a) STUDY REQUIRED.—The Comptroller General
 20 shall conduct a study to determine—

21 (1) whether members of the National Guard
 22 and Reserve comprise a disproportionately large por-
 23 tion of the employees of any size or type of business,
 24 including small business concerns;

1 (2) the amount of Federal tax benefit that
2 would be appropriate to compensate such a business
3 for costs associated with employing members of Na-
4 tional Guard and Reserve units and having such
5 members called to active duty; and

6 (3) whether changes can be made to the small
7 business loan program, such as a targeted level of
8 loans, reduced interest rates, and reduced paperwork
9 burdens for loan applications, to assist small busi-
10 ness concerns to deal with the costs associated with
11 employing members of National Guard and Reserve
12 units and having such members called to active duty.

13 (b) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Comptroller General shall
15 submit to Congress a report containing the results of the
16 study. The report shall include legislative proposals—

17 (1) to provide the recommended tax benefit
18 identified in the study; and

19 (2) to modify the small business loan program
20 to assist small business concerns that employ mem-
21 bers of National Guard and Reserve units.

22 **SEC. 3. SECRETARY OF DEFENSE REPORT ON EXPANSION**
23 **OF JUNIOR ROTC AND SIMILAR MILITARY**
24 **PROGRAMS FOR YOUNG PEOPLE.**

25 (a) FINDINGS.—Congress finds that—

1 (1) the Junior Reserve Officers' Training
2 Corps, the Civil Air Patrol, the Naval Sea Cadet
3 Corps, and the Young Marines of the Marine Corps
4 League provide significant benefits for the Armed
5 Forces, including significant public relations bene-
6 fits; and

7 (2) there is substantial interest in expanding
8 the scope of those programs.

9 (b) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall submit to Congress a report providing the Sec-
12 retary's assessment of the feasibility and desirability of ex-
13 panding the Junior Reserve Officers' Training Corps pro-
14 gram of each of the military departments, the Civil Air
15 Patrol, the Naval Sea Cadet Corps, and the Young Ma-
16 rines of the Marine Corps League. The report shall include
17 such recommendations as the Secretary considers appro-
18 priate for expansion of those programs through an in-
19 crease in the number of units or participants in those pro-
20 grams, increased funding for those programs, or such
21 other means as the Secretary determines.

○